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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN, an  
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,  
Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: "10A"

Complaint Filed: November 8, 2023

**DEFENDANT PATRICK BYRNE'S  
STATEMENT OF  
UNCONTROVERTED FACTS IN  
SUPPORT OF HIS MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, SUMMARY  
ADJUDICATION**

*[Filed concurrently with the Notice of  
Motion and Motion for Summary  
Judgment; the Declaration of Michael  
C. Murphy; Request for Judicial Notice;  
Proposed Judgment]*

Date: November 25, 2024  
Time: 1:30 p.m.  
Courtroom: "10A"

Pursuant to Local Rule 56-1, Defendant Patrick Byrne hereby submits the following Statement of Uncontroverted Facts in support of his Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment as follows:

ISSUE 1: PLAINTIFF IS AN ALL-PURPOSE PUBLIC FIGURE

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>1. Plaintiff is the son of the President of the United States of America.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 108:4-5</p>	<p>1.</p>
<p>2. Plaintiff appeared in numerous photos with his father both during his father's vice-presidency and during his father's presidency.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 108:6-109:6</p>	<p>2.</p>
<p>3. Plaintiff published his book, "Beautiful Things," in April of 2021, in which he highlighted his struggles with addiction and his marital problems.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 70: 7-15</p>	<p>3.</p>
<p>4. Plaintiff's book made the New York Times bestseller list.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB:</p>	<p>4.</p>

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
71: 7-9	
<p>5. Plaintiff's book made the bestseller's list on several other publications.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 71:10-11</p>	5.
<p>6. Plaintiff's book made it on international bestsellers lists, including in Germany and Scandinavia.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 71:12-15</p>	6.
<p>7. Plaintiff promoted his book on 92<sup>nd</sup> Street YMCA.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 118:11-15. Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 212</p>	7.
<p>8. The New York Times published "Hunter Biden, Matt Gaetz and Nonstop Depravity," which discussed Plaintiff's book.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 118:16-119:2 Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pgs. 213-214</p>	8.
9. Plaintiff promoted his book on	9.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>CBS Sunday Morning on April 5, 2021.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 119:3-5. Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 215</p>	
<p>10. The New York Times published another article about Plaintiff's book, titled "Hunter Biden's Memoir: 7 Takeaways from 'Beautiful Things.'"</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 119:6-9 Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 216-218</p>	10.
<p>11. CBS This Morning published "Hunter Biden opens up about family intervention and addresses laptop reports on April 3, 2021, in which his book and laptop were discussed.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 119:10-120:1 Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 219</p>	11.
<p>12. Vanity Fair published an article about Plaintiff's book.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB:</p>	12.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
120:2-8. Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 220-222	
13. Time published an article about Plaintiff's book. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 120:9-11 Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 223-224	13.
14. The Cut published an article about Plaintiff's book. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 120:12-14. Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 225-227	14.
15. Plaintiff promoted his book on Jimmy Kimmel Live! on April 8, 2021. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 120:23-121:6. Murphy Decl. ¶5, Ex. D, Depo Ex. 610, pg. 229	15.
16. Plaintiff appeared on an NPR to promote his book. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 122:9-11	16.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
Murphy Decl. ¶5, Ex. D, Depo Ex. 611, pg. 238-239	
17. Plaintiff appeared on several other US podcasts to promote his book.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 122:12-123:13. Murphy Decl. ¶5, Ex. D, Depo Ex. 611, pg. 240-247	17.
18. Plaintiff's book was promoted internationally.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 123:16-124:8. Murphy Decl. ¶5, Ex. D, Depo Ex. 612, pg. 248-265	18.
19. Plaintiff admitted in his deposition that Miranda Devine published "Laptop from Hell: Hunter Biden, Big Tech, and the Dirty Secrets the President Tried to Hide" on or around November 30, 2021.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 136:7-17 Murphy Decl. ¶5, v, Depo Ex. 625, pg. 1-8	19.
20. Plaintiff admitted in his deposition that Marco Polo	20.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>published "Report of the Biden Laptop."</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 159:6-18. Murphy Decl. ¶5, Ex. D, Depo Ex. 654, pg. 1-3</p>	
<p>21. Plaintiff sold artwork at a gallery owned by George Berges.</p> <p><b>Evidence:</b> <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 65:10-69:22</p>	21.
<p>22. New York Magazine published "The Sordid Saga of Hunter Biden's Laptop" on September 12, 2022.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 140:7-19 Murphy Decl. ¶5, Ex. D, Depo Ex. 627, pg. 1-30</p>	22.
<p>23. Plaintiff admitted in his deposition he was "vaguely familiar" with the New York Magazine article.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 140:7-19</p>	23.
<p>24. On September 14, 2023, a federal grand jury indicted Plaintiff on 3</p>	24.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>felony firearm offenses.</p> <p><b>Evidence:</b>  Murphy Decl. ¶4 , Ex. C, Depo. RHB: 150:2-9  Murphy Decl. ¶5, Ex. D, Depo Ex. 633, pg. 1-4</p>	
<p>25. Fox News published “Hunter Biden took thousands from daughter’s college fund for ‘hookers and drug’: report” on October 6, 2023, and did not discount that it was published in his deposition.</p> <p><b>Evidence:</b>  Murphy Decl. ¶4 , Ex. C, Depo. RHB: 151:2-11  Murphy Decl. ¶5, Ex. D, Depo Ex. 635, pg. 1-2</p>	<p>25.</p>

ISSUE 2: PLAINTIFF CANNOT PROVE ACTUAL MALICE WITH CLEAR AND CONVINCING EVIDENCE

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>26. Plaintiff alleges Defendant published statements that Plaintiff sought to help the Iranian government unfreeze funds held in a South Korean Bank in a Capitol Times Magazine article published on or around June 27, 2023.</p>	<p>26.</p>



DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 1, 18, 20, 33	
27. Plaintiff admitted in his deposition he had no knowledge whether or not Defendant traveled to the Middle East in November 2021.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 33:14-17, 35:9-13	27.
28. Plaintiff admitted in his deposition he had no knowledge whether or not Defendant spoke with any Iranian figure while in the Middle East in November 2021.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 35:14-20	28.
29. Plaintiff admitted in his deposition he could not say whether Defendant had any meetings with anyone while in the Middle East.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 35:24-36:14	29.
30. Plaintiff admitted in his deposition that he had no knowledge whether Defendant obtained the voicemail recordings mentioned in the Capitol Times	30.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>article.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 36:20-37:3</p>	
<p>31. Plaintiff admitted in his deposition he had no knowledge whether Defendant turned in the voicemail recordings over to the government, as mentioned in the Capitol Times article.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 41:16-43:10</p>	31.
<p>32. Plaintiff alleges Defendant republished the statements on October 8, 2023.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 2, 27</p>	32.
<p>33. Plaintiff alleges Defendant made his statements on The Absolute Truth with Emerald Robinson on May 10, 2023, and on May 11, 2023.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 23</p>	33.
<p>34. Plaintiff alleges Defendant published the article on social media.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 25,</p>	34.
<p>35. Plaintiff alleges Defendant</p>	35.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
promoted the Capitol Times Article on The Alex Jones Show. <b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 25,	
36. Plaintiff alleges Defendant made the statements despite allegedly knowing they were false. <b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 3, 29, 35, 39	36.
37. Plaintiff admitted in his deposition that he had no knowledge whether Defendant actually knew the statements were false. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 31:10-32:9	37.
38. Plaintiff admitted in his deposition that he had no knowledge whether Defendant had any serious doubts about the truthfulness of the statements. <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 32:10-24	38.
39. Plaintiff alleges that Defendant was told the statements were false. <b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 30,	39.
40. Plaintiff alleges Defendant falsely	40.

DEFENDANT'S UNDISPUTED MATERIAL FACTS	PLAINTIFF'S RESPONSE AND SUPPORTING EVIDENCE
<p>claimed to verify the information on which the accusations are made.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 41, 42,</p>	
<p>41. Plaintiff alleges Defendant harbors ill will towards Plaintiff.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 43,</p>	41.
<p>42. Plaintiff admitted in his deposition he had no evidence Defendant discussed Plaintiff in any way that demonstrated Defendant harbored ill will towards Plaintiff.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 23:6-24:7</p>	42.
<p>43. Plaintiff admitted in his deposition he had no evidence Defendant ever published any writings prior to May 2023 that demonstrated ill will towards Plaintiff.</p> <p><b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 24:25-26:18</p>	43.
<p>44. Plaintiff alleges Defendant took steps to republish his statements.</p> <p><b>Evidence:</b> Murphy Decl. ¶1 , Ex. A, ¶ 34,</p>	44.

DEFENDANT’S UNDISPUTED MATERIAL FACTS	PLAINTIFF’S RESPONSE AND SUPPORTING EVIDENCE
45. Plaintiff admitted in his deposition he had no evidence or knowledge concerning the number of times the Capitol Times article was allegedly republished.  <b>Evidence:</b> Murphy Decl. ¶4 , Ex. C, Depo. RHB: 57:6-25	45.

Dated: October 28, 2024

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By: /s/ Michael C. Murphy, Esq.

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